

# COHEN & GREEN

April 17, 2023

Hon. Steven L. Tiscione  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

By Electronic Filing.

**Re: Case No. 21-cv-06667, Vergara v. Town of Babylon**

Dear Judge Tiscione:

My firm, with co-counsel represents the Plaintiffs in the case named above. We write, with Defendants' consent, to ask for a 120-day extension of discovery. As directed by the Court this motion is refiled from the prior version filed on April 15, 2023.

As required by the Court's rules:

1. The initial deadline was February 21, 2023;
2. Not counting the version of the motion filed Friday, there has been one previous extension request (Dkt. Nos. 35 and 37; Nov. 21, 2021 Minute Order), which was granted;
3. Defendants consent;
4. The reason for the request is explained below; and
5. The proposed revised schedule for remaining deadlines is: Close of Fact Discovery August 15, 2023; Expert Reports exchanged by October 15, 2023; Expert Depositions by November 15, 2023; All discovery complete by November 22, 2023; Final date to take first step in dispositive motion practice on December 22, 2023.

Discovery was previously extended for personal reasons (*see* Dkt. Nos. 35 and 37; Nov. 21, 2021 Minute Order), and the parties have moved the ball forward substantially since then. We have exchanged extensive paper discovery. The parties are now in the process of scheduling depositions. We anticipate being able to schedule Plaintiffs' deposition(s) shortly. However, for Defendants' depositions, because Defendants have produced their discovery in paper form, reviewing it and processing it has taken more time – and relatedly, we are still drafting 30(b)(6) notices informed by that discovery. Additionally, among other obligations, I am working as one of the lead attorneys on the consolidated, rocket docket before Judges McMahon and Gorenstein in *In re New York City Policing*



*During Summer 2020 Protests*, 20-cv-8924, and we are currently at a 5-deposition-a-week pace, that is likely to increase because of the end date of discovery there.<sup>1</sup>

We therefore ask — and Defendants have consented — that the Court grant an extension of 120 days from the current fact deadline of April 17, 2023, and adjust all deadlines in the case management plan in the Nov. 21, 2022 Minute Order accordingly. That would make the new deadline Tuesday, August 15, 2023.

As ever, thank the Court for its time and consideration.

Respectfully submitted,

/s/

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J. Remy Green

*Honorific/Pronouns: Mx., they/their/them*

**COHEN&GREEN P.L.L.C.**

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cc:

All relevant parties by ECF.

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<sup>1</sup> While I am not personally attending every deposition, there are also extremely time-consuming issues on document discovery there — and the rocket docket nature of the case means that those issues are always urgent (and the Court has directed that issues must be raised immediately).